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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION  
HONORABLE MANUEL L. REAL, U.S. DISTRICT JUDGE  
UNITED STATES OF AMERICA, )  
 )  
Plaintiff, ) CASE NO.  
 )  
vs. ) CR 13-0904-R  
 )  
BILLY KHOUNTHAVONG, BENNY )  
KHOUNTHAVONG, and JOHNNY )  
KHOUNTHAVONG, )  
 )  
Defendants. )  
\_\_\_\_\_ )

REPORTER'S TRANSCRIPT OF  
JURY TRIAL – DAY 7  
THURSDAY, FEBRUARY 12, 2015  
10:04 A.M.  
LOS ANGELES, CALIFORNIA

\_\_\_\_\_  
DEBI READ, CSR 3949 CRR RMR  
FEDERAL OFFICIAL COURT REPORTER  
312 NORTH SPRING STREET 432A  
LOS ANGELES, CALIFORNIA 90012  
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**ALSO PRESENT**

JASON DALTON, FBI SPECIAL AGENT

1 LOS ANGELES, CALIFORNIA; THURSDAY, FEBRUARY 12, 2015

2 10:04 A.M.

3 -000-

4 (Call to Order of the Court.)

5 (Open court out of the presence of the jury.)

6 THE COURTROOM DEPUTY: Calling Item No. 1,

7 CR 13-904-R, United States of America versus Billy

8 Khounthavong, et al.

9 Counsel, please state your appearances.

10 MS. CARTER: Good morning, your Honor.

11 Maggie Carter and Lawrence Middleton on behalf of the United

12 States. Also present at counsel table is Special Agent Jason

13 Dalton of the FBI.

14 MR. CANTALUPO: Good morning, your Honor.

15 Dominic Cantalupo appearing with Billy Khounthavong, present.

16 MR. BRAUN: Adam Braun with Johnny Khounthavong.

17 MR. DIAZ: Humberto Diaz for Johnny Khounthavong

18 who's present.

19 THE COURT: All right. The matter was submitted,

20 and I now grant the motion as to each of the defendants

21 pursuant to to Rule 29. I don't think a jury could find a

22 verdict beyond a reasonable doubt in this matter because the

23 government has not shown that the presentation of anything to

24 the banks was by themselves either directly or indirectly, and

25 that there's nothing showing that the banks knew or didn't know

1 because the persons who were dealing for the banks were not --  
2 were not witnesses here, that those persons whether or not they  
3 received matters that were not considered by them or that  
4 Ms. Tran failed to -- whether Mrs. Tran ever received necessary  
5 -- what the government feels is necessary here, and that on  
6 that basis I think that the government has not proved its case  
7 before any jury beyond a reasonable doubt.

8 All right. And we are going to discharge the jury.

9 I have a problem as to how the FBI got into this case.  
10 There's no evidence as to -- that any of these banks had  
11 indicated that somehow or other they were defrauded by the  
12 failures of the party or Ms. Tran to give them documents which  
13 had nothing to do, evidently, at least based upon the evidence  
14 as it's presented, to the granting of a -- of a loan on the --  
15 and granting of a short sale, and nothing here that -- because  
16 the fact is that there is a lien pursuant to the short sale on  
17 Billy, and there is a issued lien against Benny and Johnny in  
18 this case, which is -- were the subjects of the matters before  
19 the banks.

20 All right. Bring down the jury.

21 (Brief pause in the proceedings.)

22 THE COURT: Just want to add in that the necessary  
23 matters that were here were not matters of law but matters of  
24 procedure only, and it is bank procedure, not the law.

25 (Open court in the presence of the jury.)

1           THE COURT: All right. The record will show the  
2 jurors are all in their proper places. The defendants are  
3 present with their counsel.

4           And ladies and gentlemen of the jury, the matter has been  
5 resolved and we will not need your services, so you are  
6 excused. But I want to thank you for your services in this  
7 matter. It's very important to have juries in this country, as  
8 we do, to make determinations, if it's necessary to be made  
9 under those circumstances, but -- and that the presentation of  
10 the case should be something that would be understood and taken  
11 into account by the jury.

12           You are now excused until further notice. Jurors excused.  
13 Court will remain in session.

14           Oh, you can talk about this case now, if you wish to do  
15 so, but you can't be forced to talk about it. So if anyone  
16 asks you any questions about this, you can walk away from them.  
17 If they insist on talking to you, you can go to a phone or use  
18 your cell phone and call 213-894-5267. We will take care of  
19 the situation for you so you don't have to talk to anybody.

20           All right. You are now excused. Thank you. Thank you  
21 for your services.

22           (Open court out of the presence of the jury.)

23           THE COURT: All right. The bonds of the defendants  
24 are exonerated. We'll be in recess.

25           (Proceedings concluded at 10:38 a.m.)

## 1 CERTIFICATE OF OFFICIAL REPORTER

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5 I, DEBRA READ, FEDERAL OFFICIAL REALTIME COURT REPORTER, IN AND  
6 FOR THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT  
7 OF CALIFORNIA, DO HEREBY CERTIFY THAT PURSUANT TO SECTION 753,  
8 TITLE 28, UNITED STATES CODE, THAT THE FOREGOING IS A TRUE AND  
9 CORRECT TRANSCRIPT OF THE STENOGRAPHICALLY REPORTED PROCEEDINGS  
10 HELD IN THE ABOVE-ENTITLED MATTER AND THAT THE TRANSCRIPT PAGE  
11 FORMAT IS IN CONFORMANCE WITH THE REGULATIONS OF THE JUDICIAL  
12 CONFERENCE OF THE UNITED STATES.

13

14 DATED THIS 12TH DAY OF FEBRUARY, 2015.

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/S/ DEBRA READ

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DEBRA READ, CSR NO. 3949 CRR RMR  
FEDERAL OFFICIAL COURT REPORTER

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